



2016 TOWN OF FAIRFAX

**SELECTBOARD MEETING
MONDAY, December 19, 2016
6:00 PM**

The drafted minutes presented below are unapproved subject to corrections and/or additions at the next Selectboard meeting. Those corrections and/or additions will be written to an amended version of the minutes, which will also be made available to the public.

Selectboard Members Present: Tom Fontaine, Chair; Randy DeVine, LeeBeth Ann Lemieux and Duane Leach.

Staff Present: Deb Woodward, TC & Treasurer; David Raymond and Tom Snyder, Fairfax Fire Department.

Public Present: Gabe Handy, Joshua Blake, Jon Underwood, Jim Webb, Richard Vance, Bonnie Webb, Jim Meunier, Paul Lague, Dale Bellows, Mary Beerworth, Karen Hebert, Joanne Blodgett, Sharon Iszak, David Shea, Dean Decker, Dana Decker, Rob Schurei, Clifford Ross, Ram P. Saini, Geetanjali Saini, Paddy Shea, Ivan Petry, William Ormerod, Kelly Crawford, Jeff Clokey, Art Bergeron, Tom Feerick, Margaret Feerick. LCATV videotaped the meeting.

Call to Order: Tom called the meeting to order at 6:00 pm.

Deviation of Agenda:

David Raymond, Battalion Chief and Tom Snyder, Fire Department Chief, Presented the Building Inspection, Code Enforcement and Fire Safety Ordinance.

David Raymond explained how this ordinance only affects Rental Properties, ie. Apartment buildings, Boarding rooms with less than 16 people, NOT OWNER OCCUPIED SINGLE FAMILY HOMES. This does not include businesses. The Fire Dept. will still go out with the State Fire Marshall on these calls.

Dave Raymond went through the ordinance section by section and explained each.

Section 1 – Authority

The VSA and Chapters are noted. The VSA and Chapters are available on line from the State of Vermont Statues.

Section 2- Purpose

Section 3- Definitions

Section 4- Fire Code Adoption by Reference.

Fairfax Fire Dept. will be using the Vermont Fire & Building Safety Codes.

Section 5- Solar Photovoltaic System:

This is a Fire Fighters Safety Section. The State enforces NFPA requirements for all but single family homes. The property owner should check with the Town of Fairfax and State to see if there is an application/Permit to have panels installed prior to work beginning. This ordinance would require all new panels to be installed to the NFPA code.

Section 6- Elevators

Section 7- Rental Registry

This is for information only; this pertains only to rental properties

Some of the public members present had a problem with some of the wording. Also there were concerns for the renter's privacy. The property owner is not required to give out renter's information. It is only suggested should an emergency occur. The Rental Registry will be locked within in the Fire Dept. Office. Also, should a landlord not provide this information on the renter, the renter themselves may forward the information direct to the Fire Dept. A private homeowner is also welcome to forward information. An example was used of, "What if" the renter is out of State; the fire dept. had to break a window or door to get it in. What if there is a pet left in the building. What if it's an apartment and the heating system had to be shut down. This information would allow for the Fire Dept. to contact all renters of a problem in the building.

Section 8- Fire Safety Inspector

Dave Raymond is only certified in Fairfax as an Inspector.

Section 9- Powers & Duties of Inspector

By going to these sites Pre Incident for a visit, this gives the Fire Dept. a pre plan of important information. It gives them the lay out of the building, where the fuel is, where the electrical panels are and etc.

Section 10- Inspector to Make Inspections of Buildings

This pertains to apartments, condominiums and boarding rooms with less than 16 people. This does not pertain to Commercial, Businesses, Government or Agricultural; the State will still handle those.

Explains where and when the inspections will take place.

Any complaint that is made will be followed up on. Anyone can call to file a complaint. If there is false reporting the Fire Dept. can contact the Sheriff's Department or turn the complaint back over to the state.

Some of the public members present had a problem with some of the wording.

Section-11 Inspector to be Permitted Entry into Premises

There is a process on how to enter premises. The Fire Dept. will do it legally as provided by law.

This section may be worded differently

Section 12- Refusal to Permit Entry

A property owner cannot say, no you can't go into that property if called by a tenant. As well, a tenant cannot say no, you can't come in if the property owner has called. The tenant must be given a 48 hour notice. In the event the Inspector reasonably determines that an emergency situation exists, entry may be made.

Section -13 Inspections

(2) Inspection Reports, A copy of the report shall be forwarded to the property owner or their designee, including a time line in which the violation and or deficiencies need to be addressed/corrected. If any violation and or deficiencies is such a nature that it must be addressed immediately, the owner or their designee shall be informed at the time of the inspection, if present.

Example: If the smoke alarm is missing, then it would be required that day it be replaced. If it is a hard wired unit then yes it is okay to put a battery operated unit in until the problem can be placed.

It is illegal for a tenant to tamper with an emergency notification devise. The Fire Dept. is not deciding who is at fault

No additional training is required for Dave Raymond to perform this duty.

Language may be changed in this section.

Section -14 Suspension of Permit & Stop Work Notice

Section -15 Fire Department Key Box

On a **NEW** commercial building, this ordinance outlines the State's requiring a "Knox Box" due to a fire alarm or sprinkler system. This ordinance just says where the Knox box needs to go, which buildings require it and which keys are required.

Section-16 Fire Alarm Panel & Pull Station Key

Section-17 Removal of Fire Hazards

Section-18 Order to Evacuate

Section-19 Enforcement & Penalties

By state statute a civil penalty may be up to \$800.00 per day. This does not mean this is what the Town will fine people.

The fee schedule has not yet been approved by the Selectboard

The fee schedule does not need to be part of the ordinance.

Section 20-FeeSchedule

The fee schedule has not yet been approved by the Selectboard

The fee schedule does not need to be part of the ordinance.

Additional comments made:

There is no additional liability to the town. VLCT says there are several Fire Departments that already cover this service. Of all the actions of fire departments, this is the lowest liability. According to Tom Snyder this is preventative and for safety. Already this year Dave Raymond whom is also the Town Health Officer has responded to 20-30 calls this year. These include complaints, fire safety and purchase and sales.

For many years Fairfax FD has gone out with the Fire Marshall. There is one State Inspector that covers Franklin County. On the purchase and sales agreement the State collects \$125.00 which will now come to the town. It's not a big revenue maker, maybe 10 per year.

"Did the state ask for this?" This duty was part of the job description for the Battalion **Chief**

How many inspectors have been sued? Per Tom Fontaine, Selectboard Chair, none that he knows of.

Inspections will ONLY be performed if there is a complaint or a Purchase and Sale. The Fire Dept. will not be going around knocking on your doors to come in.

Quote from William Ormerod " The clock started ticking two weeks ago when the ordinance was adopted, it had to be put in the newspaper 14 days and if the board does not choose to revise based on discussion interactions, then if anyone chooses to petition for a formal vote, that has to be done in a timely fashion. So my question is, what is the boards pleasure based on the discussion back and forth with that regarding the ordinance already done?"

Reply from Tom Fontaine, From what he is understanding from the input we are getting, that obviously it sounds like we need to make some changes to the ordinance. To be safe, he would like to ask a couple questions to the State, to make sure what can be done. He would like to wait until the next meeting (January 3, 2017) to see if we can retract the ordinance or how to make the corrections.

Any questions or suggestions people have on this ordinance may be sent to sboffice@fairfaxt-vt.gov

Randy approved the town's A/P and payroll.

Tom approved the Utility Dept. A/P and payroll

Deb Woodward, Town Clerk and Treasurer asked about property taxes at 1126 Main St. Since the town has taken over responsibly to this property she was suggested by the Auditors to create a new Sub line item, of Misc. Town to P TAX MA1126 to pay the delinquent tax.

Deb presented to the board the Line of Credit in the amount of \$2,250,000.00 for 18 months starting January 1, 2017 at 1.09% interest. The board approved and signed the Line of Credit, the Tax Certificate Tax Anticipation Note and the Resolution.

The Employee Policy was tabled until next meeting (January 3,2017)

Randy made the motion to adjourn, seconded by Ann. All in favor

The minutes were respectfully submitted by Amy Sears, Admin Asst. to the Selectboard

Tom Fontaine, Chair